

1 hold the sign up while the adhesive double-sided
2 tape was curing.

3 A. Curing.

4 Q. Correct?

5 A. Correct.

6 Q. And after taking off the painter's tape,
7 no one tested it to see that it was adhered to
8 firmly.

9 A. I did.

10 Q. Oh, you did. Oh, okay. I thought you
11 said you didn't. What did you do to test that it
12 was adhered to firmly?

13 A. I just tried to yank it.

14 Q. You tried to yank it?

15 A. Yes.

16 Q. How hard?

17 A. Aggressive enough to grab.

18 Q. And when did you do that?

19 A. Like if I was grabbing a football.

20 Q. And when did you do that?

21 A. Probably an hour after we adhered it.

22 Q. When was the first time you heard about
23 this case?

24 A. I think when I got served.

1 Q. Okay. When you got served with this
2 subpoena for today?

3 A. Yes.

4 Q. Okay. Prior to that you had never heard
5 about this case?

6 A. No.

7 Q. Had you ever spoken to --

8 A. Yeah. I mean I may have -- Yeah, the
9 best of my knowledge there may have been one
10 conversation that I may be -- They called for
11 Barry -- Barry's number or name or something and
12 they mentioned that there's a case. So that's
13 when the first time I actually heard about it.

14 Q. Mm-hmm.

15 A. They called and asking for Barry's
16 number if I had it. That was prior to me getting
17 served.

18 Q. Okay. So prior to you getting a call
19 for the number for Barry Ligas, you had never
20 heard of this lawsuit.

21 A. Correct.

22 Q. Okay. Had you ever spoken to anyone
23 with regard to this lawsuit before getting served
24 with this subpoena?

1 A. Not that I recall.

2 Q. Okay. Sorry. I just pulled my
3 hamstring here.

4 MR. LOWREY: It's an Achilles.

5 MR. RAPHAEL: Pardon?

6 MR. LOWREY: It's your Achilles. The
7 hamstrings are --

8 MR. RAPHAEL: Oh, yes.

9 MR. RAPHAEL: Whatever it was, it hurt.

10 THE WITNESS: We have a good trial
11 attorney at the table here.

12 MR. RAPHAEL: It would be covered by
13 worker's comp, unfortunately and I'm the owner,
14 so --

15 BY MR. RAPHAEL:

16 Q. When did you -- When were you served
17 with the summons on this subpoena?

18 A. I don't recall.

19 Q. Well, was it more than a month ago?

20 A. I don't recall.

21 Q. Well, was it more than six months ago?

22 A. No.

23 Q. So the first time that you'd heard of
24 this case was within the last six months?

1 A. I think the first time I heard of this
2 case is when somebody from the bank was calling to
3 get Barry Rustin's number.

4 Q. Okay. And who called you from the bank?

5 A. I don't recall.

6 Q. And was it a man or a woman?

7 A. I don't recall.

8 Q. Where were you when they called?

9 A. I don't recall.

10 Q. What number did they call you on?

11 A. My cell number.

12 Q. What number is that?

13 A. The same number that you called and was
14 harassing me.

15 Q. Okay. I'm not saying okay to me
16 harassing you but that number is the one you're
17 referring to.

18 A. Yes.

19 Q. Before that, had you ever spoke to
20 anyone else regarding your putting this sign up on
21 the ATM that's pictured in Exhibit E, F, and
22 whatever that one is?

23 A. I primarily -- I took all my direction
24 from Jim Hubbard. I spoke to people in the bank,

1 respected them, took their suggestions, but prior
2 to me acting on anything, I shared it with Mr.
3 Hubbard. There were several people, you know,
4 with, you know, seniority in the bank. I
5 respected them but I shared everything with Mr.
6 Hubbard.

7 Q. Did you ever speak to anyone outside of
8 the bank with regard to this case?

9 A. Regarding this case?

10 Q. Yeah.

11 A. My attorney.

12 Q. You're pointing -- You're pointing to
13 your attorney. What's your attorney's name?

14 A. Yes. John Lowrey.

15 Q. Okay. When did you hire him?

16 A. About three weeks ago.

17 Q. Okay. Who's paying the bill for him?

18 A. Alligas --

19 MR. LOWREY: Objection. It's attorney-
20 client privilege.

21 MR. RAPHAEL: Who's paying the bill is
22 not attorney-client privilege.

23 MR. LOWREY: I'm instructing him not to
24 answer it. He's paying me. That's all you need

1 to know.

2 BY MR. RAPHAEL:

3 Q. Are you paying him?

4 A. Or Alligas Enterprises.

5 Q. Okay. So Alligas Enterprises is paying
6 the attorney?

7 A. Yes.

8 Q. Are you seeking reimbursement for those
9 fees from the bank?

10 MR. LOWREY: Objection.

11 THE WITNESS: I --

12 MR. RAPHAEL: There's nothing -- There's
13 nothing privileged about that.

14 BY MR. RAPHAEL:

15 Q. Are you seeking reimbursement for those
16 fees from the bank?

17 A. I have not crossed that yet.

18 Q. Well, are have you talked to the bank
19 about --

20 A. I have not.

21 Q. Okay. Has the bank offered you any
22 reimbursement for the fees for your attorney?

23 A. I spoken to them yet.

24 Q. How did you locate your attorney?

1 A. Through --

2 MR. LOWREY: Objection.

3 BY MR. RAPHAEL:

4 Q. Pardon?

5 MR. BELONGIA: Attorney-client
6 privilege. It's totally improper.

7 MR. RAPHAEL: I'm sorry, that's not
8 privileged.

9 BY MR. RAPHAEL:

10 Q. How did you locate your attorney?

11 A. Through a very good referral.

12 MR. LOWREY: Objection.

13 BY MR. RAPHAEL:

14 Q. Who was -- Who was the source of the
15 referral?

16 A. Another qualified attorney.

17 Q. Who was that?

18 MR. LOWREY: Same objection.

19 MR. BELONGIA: That's attorney-client
20 privilege.

21 MR. RAPHAEL: Naming the person whom you
22 talked to is not attorney-client privilege.

23 BY MR. RAPHAEL:

24 Q. Who was the attorney that referred you

1 to your present attorney?

2 A. If it's one of my attorneys.

3 Q. Look, I'm not going to argue with you.

4 Who was the --

5 A. It was one of my other attorneys.

6 MR. LOWREY: I'm instructing him not to
7 answer it. It's privileged. It's -- He's got --

8 BY MR. RAPHAEL:

9 Q. And what was his name?

10 MR. LOWREY: It's none of your business.
11 It's the attorney-client privilege with that
12 individual and he's got other matters pending and
13 it's not relevant or material. It's not related
14 to your second amended complaint. I'm instructing
15 him not to answer it.

16 BY MR. RAPHAEL:

17 Q. Did you ever speak to the attorneys for
18 the bank to get the name of your current attorney?

19 A. Never.

20 Q. Have you ever spoke to the attorneys for
21 the bank?

22 A. Never.

23 Q. Do you know who the attorneys for the
24 bank are?

1 A. I just -- The first -- The first time I
2 met the attorney for the bank is when I signed the
3 affidavit.

4 Q. And when was that?

5 A. I don't recall. So that was probably
6 the first time now, refreshing my memory, is when
7 we talked about the case.

8 Q. So you talked about the case with the
9 attorneys for the bank?

10 A. Not -- We didn't talk about the case.
11 It was just an affidavit that they, you know,
12 asked what I remember and I shared what I
13 remembered, basically what I shared with you
14 today.

15 Q. Well, when did this take place?

16 A. I don't recall.

17 Q. Where was it?

18 A. It was over the phone.

19 Q. So you had a phone conversation with the
20 attorneys for the bank?

21 A. It wasn't a -- It was just a question,
22 what do I remember about the ATM.

23 Q. Well, who asked the question?

24 A. I think it was Mark.

1 Q. Mark Belongia?

2 A. Yes.

3 Q. Alright. And this was over the phone
4 you had this conversation?

5 A. Yes.

6 Q. Okay. And what did he ask you?

7 A. What do I recall about the ATM, what
8 went through -- what did we do with the ATM, and
9 what -- what do I recall about the -- any type of
10 work that Mr. Hubbard wanted me to do after the
11 ATM was on. Then he asked me what do I recall
12 about the signs and I said all I remember is
13 something about Diamond Bank, some charge, and
14 something about the deposit is not going to show
15 up. I mean I never memorized the darn things.

16 Q. Okay. So is that what you told him?

17 A. It's pretty much what I told him and
18 then he asked if I would sign a affidavit, and
19 then he asked if I'd come down to his office.

20 Q. Did you go down to his office?

21 A. I said actually I'll be by the Monadnock
22 building in a couple of days, and I said I'll come
23 up and sign it.

24 Q. So you went over to his office to sign

1 this affidavit?

2 A. Yes.

3 Q. And was he present?

4 A. Yes, because I think he notarized it.

5 Q. Okay. And what time of year was this?

6 MR. BELONGIA: Objection. The document
7 speaks for itself.

8 BY MR. RAPHAEL:

9 Q. Documents don't speak. I'm asking the
10 witness what time of year did you go over to Mr.
11 Belongia's office?

12 A. This was probably -- It was probably
13 late -- late winter, early spring. I don't -- I
14 don't recall.

15 Q. Did you have any conversation with him
16 at the time you signed the affidavit?

17 A. Not really.

18 Q. Okay. So he handed you the affidavit
19 and you signed it?

20 A. I -- I read through it.

21 Q. You read through it?

22 A. Yeah, and I signed it.

23 Q. Did you make any changes to it?

24 A. No.

1 Q. Okay. So you signed it exactly the way
2 he drafted it.

3 A. I signed it pretty much what I told him
4 on the phone.

5 Q. You didn't make any changes to his draft
6 of what you had told him.

7 A. No, it --

8 MR. BELONGIA: Asked and answered.

9 BY MR. RAPHAEL:

10 Q. Pardon?

11 A. Word-to-word it was pretty accurate.

12 MR. LOWREY: Excuse me.

13 BY MR. RAPHAEL:

14 Q. Why don't we mark this as the next
15 exhibit? Yeah, give it to the witness.

16 A. Thank you.

17 Q. H. Okay. Is this your affidavit?

18 A. Yes.

19 Q. That's your signature on the back?

20 A. Yes.

21 Q. Okay. Looking at paragraph six of your
22 affidavit, I have no knowledge as to how the two
23 metal signs that my company affixed to the ATM
24 surround were removed. That's true?

1 A. After they were -- After they were put
2 on after we installed them. Right? Not removed
3 after we put them underneath and Mr. Hubbard
4 wanted them on the top.

5 Q. Well, there's nothing in this affidavit
6 that says you installed them, then removed them.

7 A. Well, remove because you and I spoke in
8 length about removing it from this point to that
9 point.

10 Q. If you -- If you interrupt my -- If you
11 interrupt my question, you'll never know what it
12 is I was actually going to ask, so I'm going to
13 ask you the question again. There's nothing in
14 this affidavit that indicates that you -- you
15 affixed the signage to the ATM surround, removed
16 them, and then re-affixed them, is there?

17 A. That's correct.

18 Q. Okay. So I am only reading from your
19 affidavit. It says I have no knowledge as to how
20 these -- the two metal signs that my company
21 affixed to the ATM surround were removed.

22 MR. BELONGIA: Asked and answered. He's
23 already testified in length about this issue.

24 BY MR. RAPHAEL:

1 Q. Is that a correct --

2 A. I have not knowledge. That's correct.

3 Q. Yeah. Okay. So after you re-affixed
4 the signs to the metal portion of the ATM, you
5 don't know what happened to them.

6 A. My affidavit states that.

7 Q. What is the fact for your belief that
8 the ATM signs might've been removed by some
9 vandals?

10 A. I've been a victim of -- of some of my
11 equipment was stolen. We've been vandalized
12 there, not once, not twice, several times. So
13 when it comes to stuff like that, I thought
14 immediately that it had to be these, you know,
15 homeless guys, these vagrants that hover around
16 the property.

17 Q. So vandals or vagrants or homeless guys
18 that hover around that area vandalized you?

19 A. My equipment has been vandalized. My
20 car was vandalized. I was -- We lost small,
21 little, you know, equipment, you know, trying to
22 unload or loading disappeared.

23 Q. Okay.

24 A. So there's been numerous issues.

1 Q. Okay. Did you ever file any police
2 reports regarding any of these things?

3 A. There have been numerous 911 calls.

4 Q. Did you ever file any police reports
5 regarding any vandalism that took place for you
6 within the area of this bank?

7 A. The best -- best of my knowledge -- 100
8 West North Avenue, the best of my knowledge, we
9 may have filed a police report on one of the
10 incidents.

11 Q. You may have.

12 A. Yes.

13 Q. And what was that police report for?

14 A. I just recall because when the police
15 show up they're like what are you wasting our time
16 for for little things like this, and I told
17 them -- I said part of stopping crime is you got
18 to document everything, and the Chicago Police
19 Department -- the police officers that have shown
20 up to there, they go we got more important things
21 than to worry about these little, you know,
22 problems. So we made numerous 911 calls. I made
23 them from my cell regarding problems around the
24 property.

1 Q. So you made 911 phone calls from your
2 cell phone at what point in time while you were
3 working at 100 West North Avenue?

4 A. Between the starting and -- Between the
5 May 2005 and July 2006, probably half-a-dozen 911
6 calls for police assistance.

7 THE REPORTER: Sorry, I need to switch
8 the video. This is the end of tape three. The
9 time is 1:40 p.m., and the running time of this
10 tape is 1 hour, 1 minute, and 13 seconds. This is
11 the start of tape four. The time is 1:41 p.m.

12 BY MR. RAPHAEL:

13 Q. Who's your cell phone provider?

14 A. I think we may be using U.S. Cellular.

15 Q. You say we. Is this a account that
16 Alligas Enterprises, Inc. holds?

17 A. I think it's a family plan, my wife and
18 I.

19 Q. Okay. So you use U.S. Cellular for your
20 cell phone? Are you sure?

21 A. Pretty sure.

22 Q. Okay. And who pays the bills?

23 MR. LOWREY: Objection. It's not
24 relevant or material. It has nothing to do with

1 the allegations in the second amended complaint.

2 MR. BELONGIA: Join.

3 MR. RAPHAEL: It has to do with this
4 affidavit which talks about vandalism and he's
5 just testified he's made cell phone 911 calls, so
6 I want to find out about those cell phone 911
7 calls.

8 MR. BELONGIA: That's fine, but the
9 payment of the bill is totally irrelevant to the
10 calls being made on the phone.

11 MR. RAPHAEL: No, it isn't. It'll get
12 there.

13 BY MR. RAPHAEL:

14 Q. So who makes the phone -- Who makes
15 the -

16 A. I made the phone calls.

17 MR. LOWREY: Don't answer.

18 BY MR. RAPHAEL:

19 Q. Okay. Who made the payments on the cell
20 phone?

21 MR. LOWREY: Don't answer the question.
22 It's not relevant material. It's not related to
23 the issues in the second amended complaint.

24 BY MR. RAPHAEL:

1 Q. Where are the bills for your cell phone?

2 MR. LOWREY: Don't answer the question.

3 Object. It's not relevant material and it's not
4 related to the allegations in the second amended
5 complaint.

6 MR. RAPHAEL: Counsel, I'm going to tell
7 you again, you know, it's totally improper to
8 instruct your client not to answer and I've been
9 more than patient in explaining to you the rules.
10 I don't know where you normally practice but you
11 can't do this in Federal Court. It's a ask and
12 answer session. If you continue with this, I'm
13 going to move for sanctions against you.

14 MR. LOWREY: Let me get something real
15 straight. As a personal, professional courtesy to
16 my client I allowed this deposition to proceed.
17 You are not dressed appropriately, you're not
18 acting like a lawyer, you're not conducting
19 yourself. So I have tolerated this for hours.
20 You are now wasting his time. These issues --
21 questions you are raising have nothing to do with
22 the second amended complaint. I do not need
23 lectures from you. I do not need ad hominem
24 comments from you. Ask proper questions; I will

1 to lead to anything that's relevant or material at
2 the trial.

3 BY MR. RAPHAEL:

4 Q. Your cell phone bills contain a list of
5 all of the phone calls you've made or received on
6 your cell phone. Correct?

7 MR. LOWREY: Objection. It's not
8 relevant material and it's not going to lead to
9 anything relevant at trial. It's way beyond the
10 issues in the second amended complaint.

11 BY MR. RAPHAEL:

12 Q. Other than your own personal experience
13 in having some of your equipment stolen or your
14 car vandalized, what other basis do you have for
15 believing that vandals came in and vandalized this
16 ATM machine?

17 A. Threats. Verbal threats and physical
18 from --

19 Q. Verbal threats from who?

20 A. I would've called him a -- a vagrant.

21 Q. So a vagrant verbally threatened you.
22 What did he say?

23 A. I don't like you, mother fucker.

24 Q. And that was it?

1 A. And then I said that's fine, that's your
2 opinion. He goes you better get the fuck out of
3 here.

4 Q. Okay. So a vagrant said this to you in
5 front of the bank?

6 A. On the bank property.

7 Q. On the bank property. And you called --

8 A. In the parking lot.

9 Q. And why do you believe that that vagrant
10 would have some sort of design on the ATM machine
11 at the bank?

12 A. That -- That personal vagrant?

13 Q. Yeah.

14 A. I just feel that these guys, they would
15 do anything for a couple of bucks and they thought
16 that maybe that plaque was a big heavy hunk of
17 metal.

18 Q. You mean the plaques that you've
19 described as being approximately 3 x 5 inches, you
20 felt these were valuable to vagrants?

21 MR. BELONGIA: Objection.
22 Mischaracterizes his testimony. He testified that
23 the vagrants thought they were valuable. He
24 didn't say they were valuable.

1 BY MR. RAPHAEL:

2 Q. Did you think that they thought they
3 were valuable to these vagrants?

4 A. Some of these vagrants -- I've seen a
5 lot of -- lot of odd things where these guys would
6 put their self in jeopardy with the law for a
7 50-cent piece of scrap.

8 Q. Did you ever see any vagrant take the
9 metal signs down off of the machine?

10 A. No, I have not.

11 Q. Okay. Did you see anyone take the metal
12 signs off of the machine?

13 MR. BELONGIA: Asked and answered.

14 THE WITNESS: I have not.

15 BY MR. RAPHAEL:

16 Q. Did anyone ever say to you in any way
17 shape or form I want to take those metal signs off
18 the machine?

19 A. But in this picture I can see that the
20 light bulb from the heat lamp is stolen.

21 Q. Are you going to answer my question?

22 A. What was your question?

23 Q. Did anyone at any point in time ever say
24 anything to you that I want to take those metal

1 signs off that machine?

2 A. No, but looking at -

3 MR. LOWREY: Please, please, Larry --

4 THE WITNESS: -- deposition Exhibit F --

5 BY MR. RAPHAEL:

6 Q. Yes, looking at Exhibit F what?

7 A. There's a heat lamp that's missing from
8 the heat lamp from the heat lamp fixture.

9 Q. Do you know why it's missing?

10 A. Someone probably thought they could get
11 some money for it --

12 Q. Do you know --

13 A. -- is my personal assumption.

14 Q. You're assuming that. Do you know why
15 it's missing?

16 A. Because it's not there.

17 Q. Okay. But do you know why? Is it
18 something that might've been broken and is being
19 fixed or is it something that has been stolen and
20 needed to be replaced?

21 A. It could be either/or.

22 Q. Okay. So you don't know why it's
23 missing from that picture, do you?

24 A. But I know what was there when I did my

1 final inspection. It's not there now.

2 Q. So that heat lamp in Exhibit F --

3 A. Yes. It -- It protrudes below the
4 surface about a half inch to get the full maximum
5 spread of the ultraviolet, the heat from the lamp.
6 It's not protruding below the frame of the
7 fixture.

8 Q. So that heat lamp in Exhibit F is
9 missing from Exhibit F and it was present at the
10 time you performed your final inspection?

11 A. Yes, sir.

12 Q. Did you ever replace the heat lamp?

13 A. I never had to replace it because it was
14 in -- it was intact.

15 Q. Okay. So you've never had to replace
16 the heat lamp that you say is missing from Exhibit
17 F?

18 A. I was never hired to replace the heat
19 lamp. It was there. It was working on our final
20 in July.

21 Q. Where was the heat lamp obtained from?

22 MR. LOWREY: Objection. It's not
23 relevant or material and will lead to anything
24 related to the issues in the second amended

1 complaint. Don't answer it.

2 BY MR. RAPHAEL:

3 Q. Was there any other contractors working
4 for the bank besides you at the time this picture
5 in Exhibit F was taken?

6 A. None.

7 Q. So no one besides you has done any
8 physical repair work to the bank between the time
9 you were hired in October of '05 and when you were
10 last paid in May of '08.

11 A. That's what I recall. That's what I
12 know.

13 Q. Okay. And you have never been asked to
14 replace or repair the heat lamp on the ATM at
15 issue in this case.

16 A. That's true.

17 Q. And the heat lamp was installed and
18 present as of the time you did your July walk
19 through in 2006.

20 A. Correct.

21 Q. Was the heat lamp present when the
22 pictures on the -- on the Internet -- I'm sorry,
23 when the pictures by Barry Rustin were taken?

24 A. It's hard to tell from -- from this

1 picture, but if this is the same picture, it is
2 not.

3 Q. Okay. Is that something you would've
4 noticed?

5 A. The heat lamp I would not have noticed
6 right at that time because I was looking for
7 illuminated white light and that gives off a red
8 light, so I would not have brought that up because
9 that would've actually distorted his picture.

10 MR. LOWREY: There's no question.

11 THE WITNESS: Okay.

12 BY MR. RAPHAEL:

13 Q. Have you been asked at any point in time
14 since the July 2006 walk through to do any repair
15 work to the ATM or its surround at all?

16 A. No.

17 Q. Have you been asked to do any repair
18 work since July of 2006 to the outside of the bank
19 -- Strike that.

20 Have you been asked since July of 2006
21 to do any repair work to the exterior of the bank?

22 A. Yes.

23 Q. What?

24 A. There was a plaque that's in the ground

1 right in front of the revolving door. Someone
2 tried to remove the plaque, and we had to recaulk.

3 Q. Was the plaque removed or was it just
4 recaulked?

5 A. There was damage that someone tried to
6 pry it up.

7 Q. And what did it damage?

8 A. The seal around the plaque -- the round
9 plaque.

10 Q. Is this the one that's in the ground?

11 A. Yes, sir.

12 Q. And what's that made out of?

13 A. Some type of metal.

14 Q. And when was that repair done?

15 A. Maybe like August, September. Maybe a
16 few months after the July -- You know, August,
17 September. At the same time then there was some
18 graffiti on the windows.

19 Q. And who did the repair work to the
20 graffiti?

21 A. I hired a glazing -- We -- We may have
22 repaired it. I might've hired LaSalle Glass.
23 That's who it was. Some glass company.

24 Q. When you went to sign your affidavit

1 over at the lawyer for the bank's office, what
2 made you pick that day to go over there to sign
3 it?

4 A. There was something that I had going --
5 going on the South Loop. I was going to lunch, I
6 think, over at SRO.

7 Q. SRO, Standing Room Only on the South
8 Loop?

9 A. Yes.

10 Q. On Dearborn?

11 A. I don't know which street but I know how
12 to get there.

13 Q. In Printer's Row. Right?

14 A. Yes.

15 Q. And was there anyone from the bank at
16 the lawyer's office at the time you went and
17 signed your affidavit?

18 A. No.

19 Q. Okay. What time did you go to sign your
20 affidavit?

21 MR. BELONGIA: Objection. Relevance.

22 THE WITNESS: It was right -- I had a
23 lunch appointment.

24 BY MR. RAPHAEL:

1 Q. So it was right before lunch?

2 A. Yes. Could I mention about this -- this
3 pen being stolen?

4 Q. What is it you want to mention?

5 A. For one of the questions you asked what
6 else do you recall looking at these pictures, and
7 the more I look at them, the more it refreshes my
8 memory. The pen that's shown in this picture,
9 that's the blown up picture of Exhibit F, the pen,
10 it was stolen at least three times in a matter of
11 between June and July 2006. Literally ripped
12 right off the base. It's the pen and the pen
13 holder.

14 Q. And where did you get replacements for
15 the pen and the pen holder?

16 A. The --

17 MR. LOWREY: Objection. It's not
18 relevant material and it's not related to the
19 issues in the second amended complaint.

20 MR. RAPHAEL: Your client just talked
21 about it, so I'm going to ask him about it.

22 MR. LOWREY: I'm instructing him not to
23 say anymore about it. It's not relevant or
24 material.

1 MR. RAPHAEL: You can't instruct someone
2 not to answer questions about a topic he just
3 brought up, so --

4 MR. LOWREY: I've instructed him not to
5 answer it. Ask your next question.

6 BY MR. RAPHAEL:

7 Q. Where did you get the replacement pen
8 and base that you installed?

9 MR. LOWREY: It's neither relevant nor
10 material nor is it going to lead to anything
11 related to the second amended complaint. I'm
12 instructing him not to answer it.

13 BY MR. RAPHAEL:

14 Q. Okay. Why did you bring up the issue of
15 the pen?

16 MR. LOWREY: I'm instructing him not to
17 answer it.

18 BY MR. RAPHAEL:

19 Q. Why did you bring up the pen?

20 MR. LOWREY: I'm instructing him not to
21 answer it.

22 MR. RAPHAEL: Alright. Well, I'm going
23 to take a couple minute break and I'm going to
24 give a call over to the Court and see if we can

1 get a ruling on your instructions not to answer
2 questions.

3 MR. LOWREY: Well, I'm not here for that
4 conference. If you're not asking anymore
5 questions, I'm leaving.

6 MR. RAPHAEL: You do so at your own
7 peril. I'm going to try to obtain the audience
8 with the judge right now.

9 MR. LOWREY: I'm not agreeing to that
10 conference.

11 MR. RAPHAEL: I can't help it. We're
12 still on the record. If you leave, it's your own
13 problem.

14 THE REPORTER: Counselor, do you want
15 this to stay on the record?

16 MR. RAPHAEL: Stay on the record. If
17 they leave, that's their problem.

18 MR. LOWREY: Counselor, I'm leaving due
19 to the fact that you're walking out.

20 (WHEREUPON, the Witness and Mr.
21 Lowrey exited the deposition.)

22 MR. RAPHAEL: They've left already?

23 MR. BELONGIA: They left.

24 MR. RAPHAEL: Well, this puts me in an

1 awkward situation. Typically I move to compel
2 answers to questions with the judge present,
3 otherwise, I've -- I've never had anyone walk out
4 of a deposition before. So, for the record, this
5 deposition has not been terminated. I took a
6 couple of minutes to get Judge Hibbler's phone
7 number and I had intended on calling him. It
8 seems somewhat moot now, so I'll bring a motion
9 with regard to this in my Rule to Show Cause.
10 Where's the court reporter?

11 MR. BELONGIA: He's in the washroom.

12 MR. RAPHAEL: Yeah. I just -- I just
13 finished making my record that --

14 THE REPORTER: Was it clear into the
15 mic?

16 MR. RAPHAEL: Just to make a record that
17 the witness and his lawyer walked out within a
18 couple of minutes of me going to get Judge
19 Hibbler's phone number to get a ruling on these
20 instructions not to answer. So the deposition is
21 not terminated but I can't do anything now.

22 THE REPORTER: Would you like to go off
23 the record?

24 MR. RAPHAEL: Yes.

1 THE REPORTER: Would you like to
2 conclude for the day or just go off the record
3 temporarily?

4 MR. RAPHAEL: Yeah, there's nothing --

5 MR. BELONGIA: They're gone.

6 MR. RAPHAEL: They're gone. There's
7 nothing to do.

8 THE REPORTER: This is the end of
9 today's portion of the deposition. The time is
10 2:06 p.m., and the running time of this fourth
11 tape is 25 minutes and 37 seconds.

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

I, PAUL DAVID GILLERAN, a Notary Public within and for the County of Cook and State of Illinois, do hereby certify that LAWRENCE J. LIGAS, the deponent, was by me first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid; that the deposition of the said LAWRENCE J. LIGAS was taken before me at 180 West Washington Street, Chicago, Illinois, commencing at the hour of 10:11 a.m. on the 12th day of August, A.D. 2008, and was concluded at the hour of 2:07 p.m. on that date.

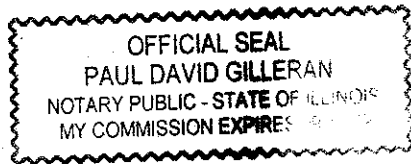
I further certify that the testimony given at said deposition by said witness was recorded by an audio/visual recording device, by me in the presence of said witness and thereafter transcribed into typewriting under my direction and control.

I further certify that the foregoing transcript of said deposition is a true, complete and correct report of the entire testimony so given by said witness, together with such other matters and things as counsel for the parties present at the taking of said deposition desire to have appear of record.

I further certify that I am not counsel for, nor attorney for any of the parties to the aforesaid cause, nor am I related to any of the parties to the aforesaid cause, nor am I interested in any manner in the said cause or in its outcome.

I further certify that the deponent has reserved the right to review and certify this transcript.

IN WITNESS WHEREOF, I have hereunto set my hand and affix my seal of office, at Chicago, Illinois this 22nd day of August, A.D. 2008.





NOTARY PUBLIC

My commission expires:
September 15, 2009.

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CARMEN FLORES,

Plaintiff,

v.

DIAMOND BANK,

Defendant.

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Case No. 07 C 6403

Judge Hibbler

Magistrate Judge Valdez

NOTICE OF SUBPOENAED VIDEO DEPOSITION

To: See Certificate of Service

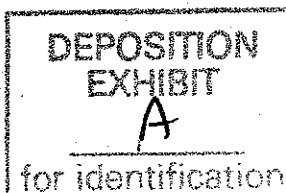
PLEASE TAKE NOTICE that we shall take the subpoenaed deposition of Lawrence J.

Ligas by video graphic means on August 12, 2008 at 10:00 a.m.

Respectfully submitted,

By: 
One of Plaintiff's Attorneys

Lance A. Raphael
Stacy M. Bardo
Allison A. Krumhorn
The Consumer Advocacy Center, P.C.
180 W Washington, Suite 700
Chicago, IL 60602
(312) 782-5808




CERTIFICATE OF SERVICE

I, Sherry Joseph, paralegal, hereby certify under penalties of perjury according to 28 U.S.C. § 1746 that I served the attached *Notice of Subpoenaed Video Deposition*, by faxing and e-mailing a copy, on August 8, 2008, to the following counsel of record:

Mark D. Belongia
Nathaniel R. Sinn
Belongia & Shapiro, LLP
53 W. Jackson Blvd., Ste. 315
Chicago, IL 60604
mbelongia@mdb-law.com

Lawrence Ligas
c/o John Lowrey
338 S. Sixth Ave.
LaGrange, IL 60525
jjl@jilttriallaw.com


Sherry Joseph, paralegal

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CARMEN FLORES,

Plaintiff,

v.

DIAMOND BANK,

Defendant.

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Case No. 07 C 6403

Judge Hibbler

Magistrate Judge Valdez

DOCUMENT PRODUCTION RIDER

To: Lawrence J. Ligas c/o John Lowrey

The deponent is instructed to bring with him to the deposition, each and every time he is produced:

1. All documents, memos, notes, e-mails, or correspondence you or anyone in your control possesses relating to automated teller machine number 049E4, located at Diamond Bank, 100 W. North Avenue, Chicago, Illinois 60610 ("the ATM").
2. All photographs and videos of the ATM and its surroundings.
3. All photographs and videos of the renovation of Diamond Bank's main entrance at 100 W. North Avenue, Chicago, Illinois 60610.
4. All documents relating to any contracts and/or work orders between Diamond Bank and you and/or Alligas Enterprises, Inc.
5. All documents identifying, by name, address and telephone number, all employees, contractors and/or agents of you and/or Alligas Enterprises, Inc. that worked on the renovation of Diamond Bank's main entrance.
6. All documents supporting the statements in your Affidavit of Knowledge signed by you on February 5, 2008 and submitted in Flores v. Diamond Bank, case no. 06 C 6403.
7. All documents relating to any correspondence between you and/or Alligas Enterprises, Inc. and Diamond Bank or any of its attorneys, employees, officers, agents and/or representatives.

Respectfully submitted,

By 
One of Plaintiff's Attorneys

Lance A. Raphael
Stacy M. Bardo
Allison A. Krumhorn
The Consumer Advocacy Center, P.C.
180 West Washington, Suite 700
Chicago, IL 60602
(312) 782-5808

SACB (Rev. 12/06) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

DISTRICT OF _____

CARMEN FLORES

V.

DIAMOND BANK

SUBPOENA IN A CIVIL CASE

Case Number:¹ 07 C 6403

TO: Lawrence J. Ligas
2424 N. Kedzie Blvd.
Chicago, IL 60647

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

- ☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
The Consumer Advocacy Center, P.C. 180 W. Washington St., Ste. 700, Chicago, IL 60602	7/16/2008 10:00 am

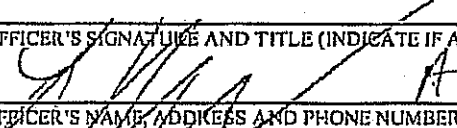
- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):
See attached Document Rider

PLACE	DATE AND TIME
The Consumer Advocacy Center, P.C. 180 W. Washington St., Ste 700, Chicago, IL 60602	7/14/2008 5:00 pm

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
 Attorney for Plaintiff	6/23/2008
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	
Lance Raphael, The Consumer Advocacy Center, P.C., 180 W. Washington St., Ste. 700, Chicago, IL 60602 312-782-5808	

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

AQ88 (Rev. 12/06) Subpoena in a Civil Case

PROOF OF SERVICE

DATE	PLACE
SERVED	
SERVED ON (PRINT NAME)	MANNER OF SERVICE
SERVED BY (PRINT NAME)	TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(3) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(ii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information; or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject

to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(3)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

Transaction Report

Send

Transaction(s) completed

No.	TX	Date/Time	Destination	Duration	P.#	Result	Mode
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CARMEN FLORES,

Plaintiff,

v.

DIAMOND BANK,

Defendant.

Case No. 07 C 6403

Judge Hibbler

Magistrate Judge Valdez

NOTICE OF SUBPOENAED VIDEO DEPOSITION

To: See Certificate of Service

PLEASE TAKE NOTICE that we shall take the subpoenaed deposition of Lawrence J.

Ligas by video graphic means on August 12, 2008 at 10:00 a.m.

Respectfully submitted,

By: 
One of Plaintiff's Attorneys

Lance A. Raphael
Stacy M. Bardo
Allison A. Krumhorn
The Consumer Advocacy Center, P.C.
180 W Washington, Suite 700
Chicago, IL 60602
(312) 782-5808

Transaction Report

Broadcast

No.	TX	Date/Time	Destination	Duration	P.#	Result	Mode
113	AUG-08	11:43	17083540327	0'00'46"	006	OK	N ECM
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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CARMEN FLORES,

Plaintiff,

v.

DIAMOND BANK,

Defendant.

Case No. 07 C 6403

Judge Hibbler

Magistrate Judge Valdez

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Ligas by video graphic means on August 12, 2008 at 10:00 a.m.

Respectfully submitted,

By: 

One of Plaintiff's Attorneys

Lance A. Raphael
Stacy M. Bardo
Allison A. Krumhorn
The Consumer Advocacy Center, P.C.
180 W Washington, Suite 700
Chicago, IL 60602
(312) 782-5808



ALLIGAS
ENTERPRISES, INC.

COPY

Date: May 4, 2005

To: North Federal Savings Bank
Attn: Mr. James Hubbard, President
Project: 100 W. North Avenue
(Interior Renovations)
Chicago, Illinois

PROPOSAL

ALLIGAS ENTERPRISES, INC., hereby proposes to furnish materials and skilled labor required to perform the following, per architectural plans and specifications prepared by Torchia Associates, dated 2/15/05, interior renovation only, as well as numerous site meetings with North Federal President/CEO. Materials specified may be substituted with equivalents.

Alligas Enterprises, Inc., will provide construction management and general contracting services limited to the interior renovation of the existing ground floor per plans and specifications, second floor new offices (west end), and teller stations.

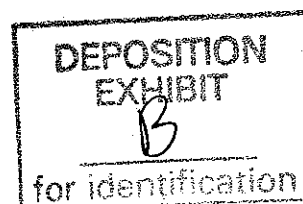
Additional items included in contract: constructing temporary entrance (security system and cabeling by others), handicapped accessible ramp (interior/exterior), temporary (movable) partition wall (erected and moved to accommodate 3-phases of construction), and teller location.

Also included in contract above and beyond the scope of work defined on the architect's drawings and specifications, as we understand after numerous meetings with North Federal President/CEO:

- Refinishing of wood casing and trim around interior glass frames at north wall, behind teller line and adjoining hallways;
- Installation of temporary door during construction;
- Custom built teller line with "furniture look" rather than "pre-fab" look, with brushed metal inserts (to compliment vault), premium stain and catalyzed varnish finish;
- Additional labor and material required to install subtrait required for mosaic tile installation;
- Installation of brushed chrome (or equivalent) tile at teller line;
- Upgrade for stone and 2" edging on customer side of teller line (to conceal light rail);
- C2 paint products in lieu of Benjamin Moore;

➤

2424 North Kedzie Boulevard
Chicago, IL 60647
(312) 850-0300 phone
(773) 862-1716 fax



North Federal Savings Bank
Proposal Date: May 4, 2005
Page 2 of 3

- Building of 3-person conference room on second floor (not on architect's plans);
- Upgrade to hardwood on teller line;
- Modification and relamping of north and south walls' interior lighting fixtures (in construction area) to achieve a wall-washing effect on perimeter walls rather than current downlighting;
- Construction design-build meetings and on-site investigation with North Federal President/CEO to minimize construction delays and cost overruns;
- Install metal cross channel in soffited areas to improve acoustics and avoid ceiling bowing.

Items not included and outside of contract:

Exterior work
Window treatments (materials and labor)
Removal of existing fabric wall treatments
Fabric wall treatments (materials and labor)
Carpet (materials and labor)
Building permit fees
Elevator treatment
Security/surveillance system/cabeling
Ventilation
Plumbing

WE PROPOSE TO PERFORM THE ABOVE FOR THE SUM OF\$416,313.00
(Four-hundred sixteen thousand, three-hundred thirteen dollars and 00/100)

Any additional work not included in above scope to be performed at additional cost and pursuant to executed Change Order/ Additional Work Authorization.

Payments shall be made as follows:

1. Preliminary site preparation, demolition, and layout: \$15,000.00
2. Upon commencement of framing and layout of teller line: \$125,000.00
3. Upon completion of drywall, patching, and priming: \$100,000.00
4. Upon installation of electrical fixtures: \$100,000.00
5. Upon completion of teller line: \$60,000.00
6. Upon completion of punch list: \$16,313.00

North Federal Savings Bank
Proposal Date: May 4, 2005
Page 3 of 3

Respectfully submitted,
ALLIGAS ENTERPRISES, INC.

By: Lawrence J. Ligas, President

Accepted:
NORTH FEDERAL SAVINGS BANK

By: _____

Title: _____

Dated as of: _____



ALLIGAS

ENTERPRISES, INC.

INVOICE

COPY

Invoice # 06-178

May 24, 2006

Customer: Diamond Bank
Attn: Mr. James Hubbard, President
100 W. North Avenue
Chicago, Illinois

ATM Doors & Hardware - Upgrade

- Upgraded cherry panel doors with stainless steel accent stripes; upgraded commercial hardware with concealed hinges and latches (base contract drawings showed slab doors).

Material only.
Upgrade from base contract.

TOTAL DUE, THIS INVOICE.....\$ 1,575.00

THANK YOU!

2424 North Kedzie Boulevard
Chicago, IL 60647
(312) 850-0300 phone
(773) 862-4301 fax



Invoice # 07-112

INVOICE

ALLIGAS

ENTERPRISES, INC.

COPY

December 26, 2006

Customer: Diamond Bank
Attn: Mr. James Hubbard, President
100 W. North Avenue
Chicago, Illinois

Project: ATM signage -LED lighting installation

- Installation of ATM sign with LED lighting(not included w/invoice #06-240)
- Brought power to elevator closet for automatic switching, including necessary coring.

BALANCE NOW DUE, THIS INVOICE.....\$ 970.00

Work not included in scope of base contract.

THANK YOU!

2424 North Kedzie Boulevard
Chicago, IL 60647
(312) 850-0300 phone
(773) 862-4301 fax



ALLIGAS
ENTERPRISES, INC.

Invoice # 06-290

INVOICE

December 26, 2006

Customer: Diamond Bank
Attn: Mr. James Hubbard, President
100 W. North Avenue
Chicago, Illinois

Project: ATM Camera Window

- Furnished and installed vandal-resistant mirrored camera window on front panel of ATM surround.

Note: Existing ATM camera requires relocation and adjustment, as camera records skyline view rather than facial images, due to the factory selected location.

BALANCE NOW DUE, THIS INVOICE.....\$ 389.00

Work not included in scope of base contract.

THANK YOU!

2424 North Kedzie Boulevard
Chicago, IL 60647
(312) 850-0300 phone
(773) 862-4301 fax



Invoice # 06-284

INVOICE

ALLIGAS

ENTERPRISES, INC.

December 26, 2006

Customer: Diamond Bank
Attn: Mr. James Hubbard, President
100 W. North Avenue
Chicago, Illinois

ATM

- Relocation and setting of ATM machine into permanent ATM surround. NOTE: LaSalle Glas cancelled two dates to relocate: required joint effort of moving company (6 men). (Alligas backcharged for cancellation by moving company and absorbed the backcharged cost at no charge to Diamond Bank)
- Custom fitting and installation of surround around ATM.
- Required working around the trench and temporary shelter around new storefront.
- Reworked intrusion detection network wires and line voltage power to ATM, without losing business time, downtime of ATM or intrusion detection system.

Not included in scope of base contract.

TOTAL DUE, THIS INVOICE.....\$3,600.00

THANK YOU!

2424 North Kedzie Boulevard
Chicago, IL 60647
(312) 850-0300 phone
(773) 862-4301 fax

X PAYER'S NAME(S) MINDANGAS MATVIEKAS IDENTIFICATION NUMBER(S) 647-98-1126
(as shown on the front)

SECTION 1. LEVY ACKNOWLEDGEMENT

Signature of person responding

Printed name of person responding

Your telephone number

Date and time this levy received

LISA M. LIGAS, ATTORNEY
(773) 862-4301
3-12-07 9am

SECTION 2. LEVY RESULTS (Check all applicable boxes.)

☐ Check attached in the amount of \$ _____

☐ Additional checks will be sent :

☐ Taxpayer no longer employed here as of _____

_____ approximate amount of each payment
\$ _____ (weekly, bi-weekly, monthly, etc.)

☐ Remarks: _____

SECTION 3. ADDITIONAL INFORMATION - Additional Information
(Please complete this section if this levy does not attach any funds).

Taxpayer's latest address, if different from the one on this levy: TAXPAYER, MINDANGAS
MATVIEKAS, IS DECEASED AS OF 4-19-06.

Taxpayer's telephone number: N/A

Name and Address of taxpayer's employer: N/A
(if different from addressee).

Other information you believe may help us: NO FURTHER INFORMATION.

SECTION 4. Levy Processing Information (Please complete this section if this form was not sent to the proper address.)

Please provide us with the proper address and contact phone numbers for processing levies:

Department: _____

Address: _____

Contact Person: _____

Phone: () _____

DEPOSITION
EXHIBIT

C



Welcome to Diamond Bank.
A Real Gem.



Thank you for visiting our site and welcome to a whole new bank that is actually one of the most established financial institutions in Chicago

From the outside we are a rare beauty found in the heart of Chicago and Skokie.
Step inside and find polished banking professionals eager to listen and be of service.
Look closer and notice state-of-the-art technology and great products combined with over 120 years of experience. Stay awhile and gain a financial partner dedicated to meeting your personal and business banking needs.

We invite you to explore our products and come in to see the newest bank in town!

Diamond Bank.

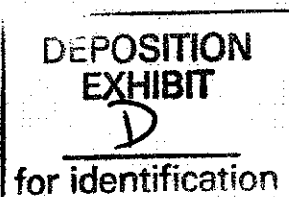
Excellence. since 1886.

ON-LINE BANKING CENTER

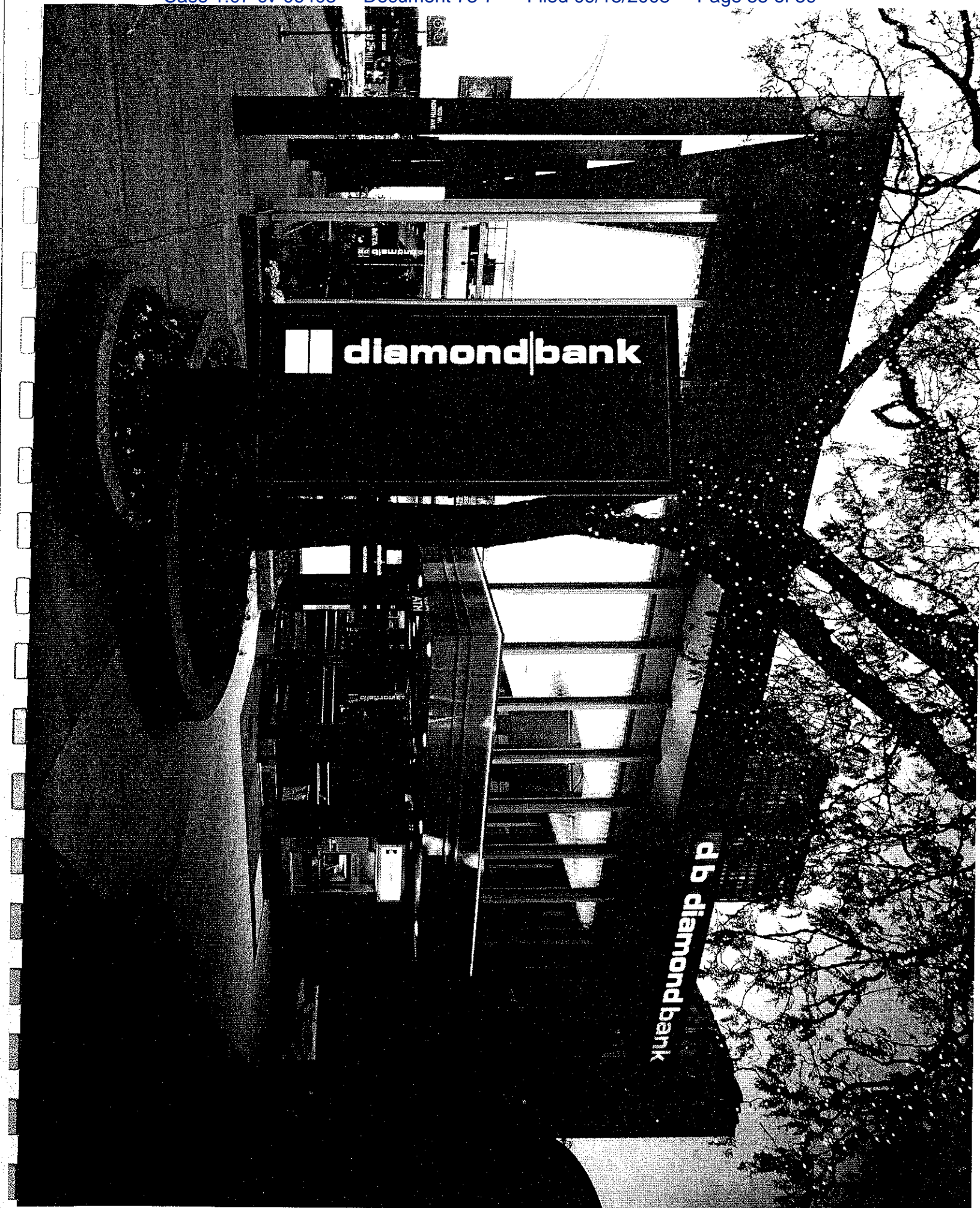
To find a Surcharge Free ATM near you, enter your zip code below.

Zip Code

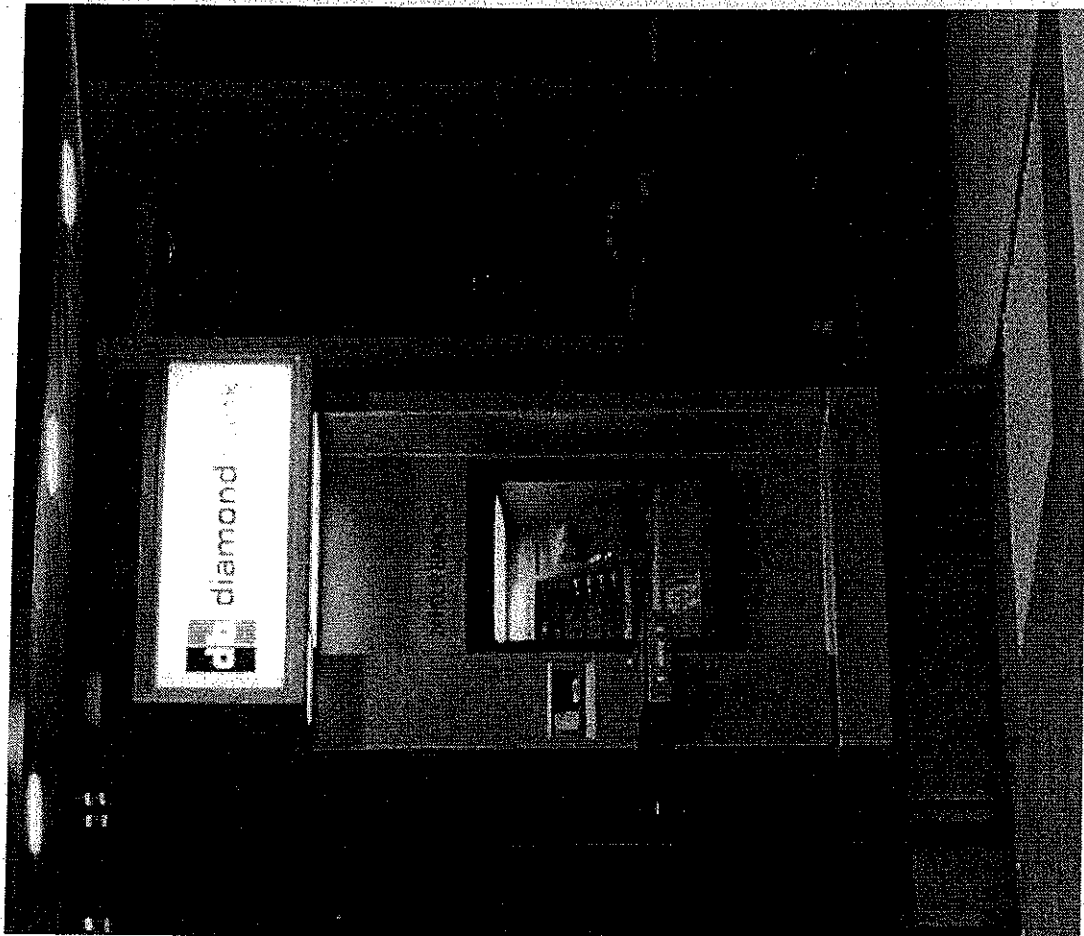
Go

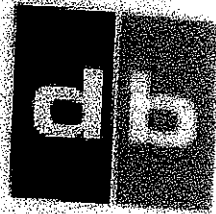


Diamond Bank Now Offers Its Customers



DEPOSITION
EXHIBIT
F
for identification





diamond bank

24 HOUR BANKING



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CARMEN FLORES, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

DIAMOND BANK, FSB,

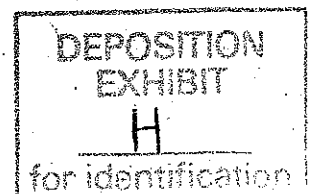
Defendant.

(
(
(
(Case No. 07 C 6403
(
(Judge Hibbler
(
(Magistrate Judge Valdez
(
(

AFFIDAVIT OF KNOWLEDGE

I, Lawrence J. Ligas, first being sworn on oath, deposes and says that if sworn as a witness I could competently testify to the matters set forth herein from my own personal knowledge:

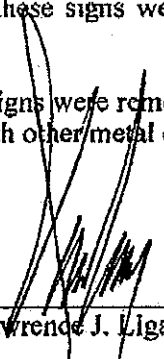
1. I am the President of Alligas Enterprises, Inc..
2. That on or about October 15, 2005, my company was hired by Defendant Diamond Bank, FSB ("Bank") to install an ATM surround at its bank building located at 100 West North Avenue, Chicago, Illinois 60610.
3. That my company did perform the installation of the ATM surround for the ATM # 049E4 located on the Clark Street side of the exterior of the bank building. At that time, there was only one ATM machine located on the exterior of the Diamond Bank building.
4. Upon the completion of the ATM surround installation, my company placed two metal signs ("signs") on the ATM surround. These signs were affixed by adhesive. Upon my best personal recollection and knowledge, one of these signs concerned the amount of the bank charge that would be assessed to non-bank customers and the other sign concerned the notice that funds deposited at that ATM machine might not be available for immediate withdrawal.
5. Our company had removed the signs that had been previously affixed to the ATM surround that was around the ATM machine when it was located in the lobby of the bank building.



6. I have no knowledge as to how the two metal signs that my company affixed to the ATM surround were removed; when these signs were removed; or who removed the signs.

7. It is my personal belief that the ATM signs were removed by vandals who were seeking to sell the metal signs for scrap along with other metal objects.

FURTHER, AFFIANT SAYETH NOT.


Lawrence J. Ligas

Subscribed and Sworn to before
me this 5th day of February, 2008.


Notary Public

